

State of California
AIR RESOURCES BOARD
Executive Order DG-034
Distributed Generation Certification of
FuelCell Energy, Inc.
DFC1500 Fuel Cell

WHEREAS, the Air Resources Board (ARB) was given the authority under California Health and Safety Code section 41514.9 to establish a statewide Distributed Generation (DG) Certification Program to certify electrical generation technologies that are exempt from the permit requirements of air pollution control or air quality management districts;

WHEREAS, this DG Certification does not constitute an air pollution permit or eliminate the responsibility of the end user to comply with all federal, state, and local laws, rules and regulations;

WHEREAS, on October 25, 2010, FuelCell Energy, Inc. applied for a DG Certification of its 1.4 MW, DFC1500 fuel cell and whose application was deemed complete on November 1, 2010;

WHEREAS, FuelCell Energy, Inc. has demonstrated, according to test methods specified in title 17, California Code of Regulations (CCR), section 94207, that its natural-gas-fueled DFC1500 fuel cell has complied with the following emission standards:

1. Emissions of oxides of nitrogen no greater than 0.07 pounds per megawatt-hour;
2. Emissions of carbon monoxide no greater than 0.10 pounds per megawatt-hour; and
3. Emissions of volatile organic compounds no greater than 0.02 pounds per megawatt-hour.

WHEREAS, FuelCell Energy, Inc. has demonstrated that its DFC1500 fuel cell complies with the emission durability requirements in title 17, CCR, section 94203 (d);

WHEREAS, I find that the Applicant, FuelCell Energy, Inc., has met the requirements specified in article 3, title 17, CCR, and has satisfactorily demonstrated that the DFC1500 fuel cell meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards;

NOW THEREFORE, IT IS HEREBY ORDERED, that a DG Certification, Executive Order DG-034 is granted.

This DG Certification:

- 1) is subject to all conditions and requirements of the ARB's DG Certification Program, article 3, title 17, CCR, including the provisions relating to inspection, denial, suspension, and revocation;
- 2) shall be void if any manufacturer's modification results in an increase in emissions or changes the efficiency or operating conditions of a model, such that the model no longer meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards; and
- 3) shall expire on the 30th day of November, 2015.

Executed at Sacramento, California, this 30th day of November 2010.

James Goldstene
Executive Officer
by

/S/

Richard Corey, Chief
Stationary Source Division